

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: ETHICON PHYSIOMESH
FLEXIBLE COMPOSITE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION,

Plaintiffs,

Civil Action No.

v.

1:17-MD-2782-RWS

ETHICON, INC. and JOHNSON &
JOHNSON,

[Lead Case MDL 2782]

Defendants.

**ORDER APPOINTING ELLEN K. REISMAN
AS SPECIAL MASTER FOR SETTLEMENT**

With Plaintiffs' Co-Lead Counsel having presented their motion, and with no opposition by Defendants, and pursuant to Federal Rule of Civil Procedure 53, it is hereby ordered that Ellen K. Reisman, partner at Reisman Karron Greene LLP in Washington, D.C., is appointed as special master to assist in the implementation of the global settlement reached between the parties in these proceedings. She has filed the declaration pursuant to Rule 53(b)(3)(A), stating that there are no grounds for disqualification under 28 U.S.C. § 455. See WB. The special master shall proceed

with all reasonable diligence in fulfilling the duties assigned her by the Court in this Order.

A. Special Master Duties and Authority. The special master will have the full authority provided in Rule 53(c) as it relates to the global settlement reached between the parties in these proceedings. She may take all appropriate measures to perform fairly and efficiently her duties as set forth herein to assist in the implementation of the global settlement between the parties, including:

1. Make a binding determination of the presence or absence of qualifying treatment and conditions associated with the Physiomesh™ Flexible Composite Mesh for claimants who request additional review of the initial medical determinations that are made by a review process undertaken by medical professionals retained by Plaintiffs' leadership in MDL 2872;
2. Assist in the development of a framework to assign points utilizing objective criteria and determine the point value for the various qualifying characteristics of the claims;
3. Determine whether to reserve a portion of the settlement fund for appeals or extraordinary injury, and if so, the amount to reserve;
4. Serve as arbitrator in binding arbitration for any insurance companies or other third-parties who agree in writing with Plaintiffs' counsel to

submit any disputes regarding whether or not health care coverage and reimbursement claims fall within the scope of the litigation and therefore subject to insurance liens or subrogation rights, and if so, the amount of such liens under terms of the applicable agreement between counsel and the insurer; and

5. Adjudicate any such appeals by individual claimants based on objective criteria.

B. Proceedings. The special master has the authority to schedule and hold conferences and to regulate the proceedings before her in order to perform the duties described above. The special master may require Plaintiff's leadership in MDL 2872 or individual claimants in the settlement, or their counsel, to appear in person, via video conference, or telephonically and/or to provide her with documents and information that she believes are necessary to allow her to perform the duties described above.

C. Ex Parte Communications. Pursuant to Rule 53(b)(2)(B), the special master may communicate ex parte with the Court at any time. She may also communicate ex parte with Plaintiff's leadership in MDL 2872, an individual claimant in the settlement, such individual claimant's counsel, and any medical professionals or other experts retained by Plaintiffs' leadership or individual

claimants or their counsel. Such ex parte communications shall not be deemed to have waived any attorney-client or attorney work product privileges.

D. Preservation and Filing of Materials. Pursuant to Rule 53(b)(2)(C), the special master must maintain orderly files consisting of all documents submitted to her, and any of her written orders, findings, recommendations, and/or determinations made in performing the duties specified in this Order. There is no requirement to file on the record any documents or materials submitted to the special master. The special master shall file any findings, orders, recommendations, and/or determinations only to the extent expressly provided by the Master Settlement Agreement entered into by the parties. In the event the special master does file any findings, orders, recommendations, and/or determinations, pursuant to Rules 53(b)(2)(D) and 53(d), she shall do so with the Court via the Court's electronic case filing system. Such filing will fulfill the special master's duty to serve orders on the parties.

E. Compensation. The special master shall maintain normal billing records of time spent on this matter with reasonably detailed descriptions of billing activity and expenses. The special master is authorized to obtain the assistance of other attorneys and legal assistants at Reisman Karron Greene LLP to assist her with performing the duties set forth in this Order.

The special master shall be compensated in the amount of \$150.00 from each claimant requesting additional review of the initial medical determinations that are made by a review process undertaken by medical professionals. For all other duties performed under this Order, the special master shall be compensated from the settlement fund for legal fees at the normal hourly billing rates charged for her and the other attorneys and legal assistants at her law firm and for expenses incurred in performing her duties.

ENTERED: September 20, 2021.


RICHARD W. STORY
United States District Judge

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: ETHICON PHYSIOMESH
FLEXIBLE COMPOSITE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION,

Plaintiffs,

Civil Action No.

v.

1:17-MD-2782-RWS

ETHICON, INC. and JOHNSON &
JOHNSON,

[Lead Case MDL 2782]

Defendants.

DECLARATION OF ELLEN K. REISMAN, ESQUIRE

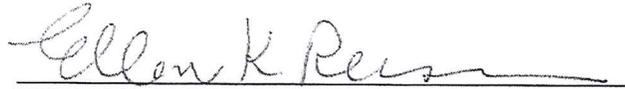
ELLEN K. REISMAN deposes and states, pursuant to 28 U.S.C. § 1746:

I am attorney at law, duly licensed in the State of California and the District of Columbia.
I am in good standing in both jurisdictions.

I have thoroughly familiarized myself with the issues and parties involved in the currently pending cases arising from Ethicon's PhysiomesTM Flexible Composite Mesh products. As a result of my knowledge of the proceedings, I attest and affirm that I know of no grounds for disqualification under 28 U.S.C. § 455 that would prevent me from serving as the special master in the matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of September, 2021.



ELLEN K. REISMAN, ESQ.